

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DENNIS SMITH,

Plaintiff,

-against-

THE CITY OF MOUNT VERNON, MOUNT
VERNON POLICE DEPARTMENT, DAMOY
GREEN, and JOHN OR JANE DOE 1-10,

Defendants.

ORDER

25-CV-00351 (PMH)

PHILIP M. HALPERN, United States District Judge:

Dennis Smith (“Plaintiff”) commenced an action on December 18, 2024, in the Supreme Court of New York, County of Westchester, against The City of Mount Vernon, Mount Vernon Police Department, Damoy Green, and John or Jane Doe 1-10 (“Defendants”) by filing a summons and complaint. (Doc. 1; Doc. 1-1). On January 14, 2025, Defendants removed the action from state court on the basis of federal question jurisdiction pursuant to 28 U.S.C. § 1331. (Doc. 1). Other than the filing of Defendants’ counsel’s appearances (Docs. 3, 4), there has been no activity on the docket.

Pursuant to Federal Rule of Civil Procedure 81(c)(2), Defendants’ answer is due within the longest of: (i) 21 days after receiving a copy of the complaint; (ii) 21 days after being served with the summons; or (iii) 7 days after the notice of removal is filed. The Notice of Removal alleges that The City of Mount Vernon “received a copy of the summons and complaint by service upon the office of the Corporation Counsel of the City of Mount Vernon” on January 10, 2025. (Doc. 1 ¶ 2). A review of the state court docket reveals that on January 20, 2025, Plaintiff filed three affidavits of service, each indicating service of the summons and complaint was effectuated on Defendants on January 10, 2025. (*See* Index No. 77044/2024, NYSCEF Docs. 3-5). Accordingly, Defendants’ answer was due January 31, 2025.

The Court *sua sponte* extends that deadline. Defendants shall file an answer no later than February 14, 2025.

Further, counsel for Plaintiff shall, by February 14, 2025, enter an appearance via ECF so as to receive NEFs of the filings in this action.

Defendant is directed to serve a copy of this Order on Plaintiff and file proof of service on the docket by February 7, 2025.

SO ORDERED:

Dated: White Plains, New York
February 3, 2025



Hon. Philip M. Halpern
United States District Judge